

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte MATTHEW R. KASER,  
YALDA AZIMZAI, and  
HENRY YUE

Application No. 09/838,044



**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received at the Board of Patent Appeals and Interferences on September 2, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate the Miller and Shafat references relied on by the Examiner in the Examiner's Answer (page 3) mailed May 5, 2004.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to: (1) provide a complete copy of the Miller and Shafat references, (2) have a complete copy of both references scanned into the IFW file, and (3) for such further action as may be appropriate.

Application No. 09/838,044

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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